IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 17903 of 2004

Between:

P. Yellaiah, S/o P.Pocha Mallaiah,
R/o Nagaram Village, Parkal Mandal, Warangal District.

... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Principal Secretary, Higher Education Department, Hyderabad.
2 The Commissioner of Intermediate Education, A.P. Hyderabad.
3 The Director of Intermediate Education, AP, Hyderabad.
4 The Principal, Government Junior College, Kamalapur, Karimnagar District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the case of the petitioner for the post of Junior Lecturer in terms of G.O.Ms.No. 143 and Memo No. 2946/IE.1/2004-2 dated
10-9-04 and Rc.No. Ser.II B-3/2138/2003 dated 23-9-2004 as arbitrary, illegal and in violation of Article 14 and 16 of the Constitution of India and consequently direct the respondents to appoint the petitioner in the vacant post of Junior Lecturer and to pass appropriate orders as this court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MS. HEMA JAISWAL

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following:

Oral Order:

The petitioner contends that he worked as a contract lecturer in Civics from 31-8-2003 to 31-3-2004 in the Government Junior College, Parkal of Warangal District. In pursuance of a notification issued by the third respondent, the petitioner made an application to the fourth respondent college for the post of contract junior lecturer in Civics. The interviews are going to be conducted on 5-10-2004. The petitioner is expected to attend the interview on 5-10-2004. The petitioner contends that in terms of the Memo No.2946 dated 10-9-2004, he is entitled to be considered for the post of contract junior lecturer in Civics without any interview, therefore, he seeks a direction to the fourth respondent to appoint him as a contract junior lecturer in Civics without conducting any interview.

As seen from the Memo No.2946 dated 10-9-2004 issued by the Government of Andhra Pradesh, the candidates who worked in the preceding year and applied for the same post in the same institution are entitled to be engaged by entering into a fresh agreement for the current academic year without interview. Since the petitioner did not work in the fourth respondent college at any time as a contract lecturer, he is not entitled for appointment without interview. Therefore, the petitioner has to attend the interview going to be conducted by the fourth respondent on 5-10-2004.

As per the Memo No.2946 dated 10-9-2004 issued by the Government, the contract faculty who worked in the Government Degree Colleges/Government Junior Colleges in the previous year have to be given preference than the fresh candidates. The fourth respondent is therefore directed to give preference to the petitioner over the candidates who are freshers for the post of lecturer in Civics, on production of the proof that he worked as contract lecturer either in Degree College or Junior College in the previous year. If there are any other candidates in addition to the petitioner, who worked as contract lecturers in the previous year, the fourth respondent shall consider the relative merits and pass appropriate orders according to the existing rules, G.O.Ms.No.143, Higher Education (IE-II) Department, dated 9-10-2000 and Memo No.2946/IE.1/2004-2 dated 10-9-2004, if the petitioner is not

otherwise disqualified.

With the above observations and directions, the writ petition is disposed of.

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(Dr.G. Yethirajulu, J)

04th October 2004

Note:

Issue operative portion of the order

by Wire at party's cost.

(B/o)

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary to Government, Higher Education Department, Secretariat, Hyderabad.
2. The Commissioner of Intermediate Education, A.P. Hyderabad.
3. The Director of Intermediate Education, AP, Hyderabad.
4. The Principal, Government Junior College, Kamalapur, Karimnagar District.
5. The Government Pleader for Education,

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